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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,963	11/26/2003	Judy Lynn Westby	S104.12-0061	9586
27367 7590 01/30/2009 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402				
EXAMINER				
BAKER, STEPHEN M				
ART UNIT		PAPER NUMBER		
2112				
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01/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,963

Applicant(s)

WESTBY ET AL.

Examiner

Stephen M. Baker

Art Unit

2112

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18-21, 23-27, 29, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 28 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 101608
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 18-21, 23-27, 29, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,668,809 to Rostoker *et al* (hereafter "Rostoker").

Regarding claims 18 and 31: Rostoker discloses an "ATMizer" ATM network device (50) for coupling a host computer workstation (WS 16) to a "serial communications path" link (not shown) of an ATM network. Rostoker's ATM network device (50) comprises an interface (62) for coupling to the serial ATM link necessarily through a configured "transmitter" of "a serial device ... supporting a serial communications path." Rostoker's ATM network device (50) further comprises a virtual channel RAM (56) serving as a "buffer that receives, from the serial communications path, a packet that includes a data protection code" where the "packet" is received from the serial link of the ATM network in segmented form, occupying the payload of a number of ATM cells and including a CRC32 "data protection code" (in the case of an AAL5 SAR). Main memory (not shown) of the host computer workstation (WS 16) provides a "memory separate from the buffer" which receives re-assembled packet data after the cell payloads are combined. Rostoker's DMA controller (60) with its CRC32 checking logic checks CRC32 in reassembled packets received via ATM cells and sends the data of the checked packet to host (WS 16) memory (not shown), providing a "means for checking the received packet for accuracy by verifying the data protection

code and storing the packet without the data protection code to the memory.”

Rostoker's DMA controller (60) also includes CRC32 generating logic, thus providing “an integrity apparatus configured to check a data-integrity of the first packet based on the first data protection code, remove the data protection code from the first packet, and store the first packet to a second memory without storing the first data protection code in the second memory” and a “data protection code generation circuit coupled to the first memory that generates and appends a second data protection code to a second packet stored in the first memory if the second packet is received from the second memory” where the “first memory” is the virtual channel RAM (56) and the “second memory” is host (16) memory. Presumably the CRC32 “data protection code” is stripped away from the reassembled packet so that the host receives packets from the ATMizer (50) in the same format as packets sent to the ATMizer from the host (WS 16).

Regarding claim 20, two workstations with ATMizers in communication with each other via the ATM network provide “a computer system having a second serial device.”

Regarding claim 21, Rostoker's DMA controller (60) requires a “verification circuit” and “a circuit for moving the first packet from the first memory to the second memory” in order to operate as described by Rostoker.

Regarding claim 24, each of Rostoker's ATM network-coupled workstations (16) qualifies as a “data storage device” with host data storage media qualifying as a “data storage medium.”

Allowable Subject Matter

3. Claims 1-17 are allowed.
4. Claims 28 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Baker whose telephone number is (571) 272-3814. The examiner can normally be reached on Monday-Friday (11:00 AM - 7:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques H. Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen M. Baker/
Primary Examiner
Art Unit 2112

smb